

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Lee Bailey,

Civil No. 04-1397 (DWF/SRN)

Plaintiff,

v.

ORDER

Sgt. Andrew Schmidt, Officer Garmen,
E-R Team led by Sgt. Young, Officer
Blauert, Unknown Officers, Sheriff Patrick
McGowan, and Unknown Animal Control
Officer,

Defendants.

Robert Lee Bailey, *Pro Se*, Plaintiff.

C. Lynn Fundingsland, Esq., Minneapolis City Attorney's Office, counsel for Defendants Sgt. Andrew Schmidt, Officer Garmen, E-R Team, and Officer Blauert.

Toni A. Beitz, Esq., Hennepin County Attorney's Office, counsel for Sheriff Patrick McGowan.

This matter is before the Court upon Plaintiff's objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 1, 2006, recommending that: (1) Defendant Patrick McGowan's Motion for Summary Judgment be granted; (2) Defendants Andrew Schmidt, Officer Garmen, E-R Team, and Officer Blauert's Motion for Summary Judgment be granted; (3) Plaintiff's Motion Requesting Denial of Defendant Sheriff Patrick D. McGowan's Motion for Summary Judgment be denied; (4) Plaintiff's Motion Requesting Stay On All Proceedings be denied; and (5) all of Plaintiff's claims be dismissed with prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Robert Lee Bailey's objections (Doc. No. 119) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 1, 2006, are **DENIED**.
2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated February 1, 2006 (Doc. No. 118), is **ADOPTED**.
3. Defendant Patrick McGowan's Motion for Summary Judgment (Doc. No. 64) is **GRANTED**.
4. Defendants Andrew Schmidt, Officer Garmen, E-R Team, and Officer Blauert's Motion for Summary Judgment (Doc. No. 83) is **GRANTED**.
5. Plaintiff's Motion Requesting Denial of Defendant Sheriff Patrick D. McGowan's Motion for Summary Judgment (Doc. No. 104) is **DENIED**.
6. Plaintiff's Motion Requesting Stay On All Proceedings (Doc. No. 111) is **DENIED**.

7. All of Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

Dated: February 27, 2006

s/Donovan W. Frank

DONOVAN W. FRANK

Judge of United States District Court